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Attorneys for Defendants

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ex rel.,)
 DR. JOHN MAA)
 1200 Gough St, Apt 11E)
 San Francisco, CA 94109)
 BRINGING THIS ACTION ON BEHALF)
 OF THE UNITED STATES OF AMERICA)
 and)
 _____)

CASE NO.: 12-CV-0200-JCS

**STIPULATION RE SERVICE OF
 SUMMONS AND COMPLAINT**

JURY TRIAL DEMANDED

c/o HON. MELINDA HAAG
United States Attorney for the Northern
District of California
United States Attorney's Office
450 Golden Gate Ave,
San Francisco, CA 94102

and

c/o ERIC H. HOLDER
Attorney General of the United States
U.S. Department of Justice
10th and Constitution Avenues, N.W.
Washington, DC 20530
and

STATE OF CALIFORNIA, ex rel.,
DR. JOHN MAA

BRINGING THIS ACTION ON BEHALF OF
THE STATE OF CALIFORNIA and the
CALIFORNIA INSURANCE
COMMISSIONER

and

c/o Darrell Woo
Attorney Department
California Department of Insurance
45 Fremont Street, 22nd Floor
San Francisco, CA 94105

vs.

DR. JAMES W. OSTROFF
(in his personal capacity)
505 Parnassus Ave.
San Francisco, CA 94143

DR. JOSHUA ADLER
(in his personal capacity)
505 Parnassus Ave.
San Francisco, CA 94143

DR. NANCY ASCHER
(in her personal capacity)
285 Edgewood Ave.
San Francisco, CA 94117

DR. SUSAN DESMOND-HELLMANN
(in her personal capacity)
505 Parnassus Ave.

San Francisco, CA 94143)
)
 DR. ADRIENNE GREEN)
 (in her personal capacity))
 505 Parnassus Ave.)
 San Francisco, CA 94143)
)
 DR. MICHAEL GROPPER)
 (in his personal capacity))
 505 Parnassus Ave.)
 San Francisco, CA 94143)
)
 DR. HOBART HARRIS)
 (in his personal capacity))
 969 Duncan Street)
 San Francisco, CA 94131)
)
 DR. SAM HAWGOOD)
 (in his personal capacity))
 505 Parnassus Ave.)
 San Francisco, CA 94143)
)
 MARK LARET)
 (in his personal capacity))
 505 Parnassus Ave.)
 San Francisco, CA 94143)
)
 DR. SALLY MARSHALL)
 (in her personal capacity))
 505 Parnassus Ave.)
 San Francisco, CA 94143)
)
 SUSAN PENNEY)
 (in her personal capacity))
 505 Parnassus Ave.)
 San Francisco, CA 94143)
)
 DOES ONE through FIFTY,)
 (in their personal capacities))
)
 Defendants.)
)

THE PARTIES STIPULATE AS FOLLOWS:

1) Brian J. Hennigan of Irell & Manella LLP has represented to Plaintiff's counsel, Kathryn Burkett Dickson, that he is authorized to accept service of the Summons, Complaint, Amended Complaint, and all related court documents on behalf of all the individual Defendants

in their personal capacities: Dr. Joshua Adler, Dr. Nancy Ascher, Dr. Susan Desmond-Hellmann, Dr. Adrienne Green, Dr. Michael Gropper, Dr. Hobart Harris, Dr. Sam Hawgood, Mark Laret, Dr. Sally Marshall, and Susan Penney. Defendant Dr. James W. Ostroff has already been served.

2) Mr. Hennigan has agreed to accept one copy of the Summons, Complaint, Amended Complaint, and all related papers for all Defendants.

3) Plaintiff will serve the Summons, Complaint, Amended Complaint, and all related papers on Mr. Hennigan by Federal Express Overnight Delivery.

4) The parties agree that by accepting service of the Summons, Complaint, Amended Complaint, and all related papers, Defendants will retain all defenses and objections to the lawsuit, the court's jurisdiction, and the venue of the action, but waive the objections to the absence of a summons or of service.

5) The parties agree that Defendants shall have until January 18, 2013 to serve a responsive pleading or motion under Federal Rule of Civil Procedure 12 on behalf of all Defendants, including Dr. James W. Ostroff, whom Plaintiff has previously served.

6) The parties agree that they will request that the pending Case Management Conference currently scheduled for January 4, 2013 be continued to March 8, 2013.

IT IS SO STIPULATED.

DATED: December 3, 2012

DICKSON GEESMAN LLP

By: /s/ Kathryn Burkett Dickson
KATHRYN BURKETT DICKSON
and

KOHN, KOHN & COLAPINTO, LLP

DATED: December 3, 2012

By: /s/ David K. Colapinto
DAVID K. COLAPINTO
Admitted *Pro Hac Vice*
Attorneys for Plaintiff-Relator

DATED: December 3, 2012

IRELL & MANELLA LLP

By: /s/ Brian J. Hennigan
BRIAN J. HENNIGAN
Attorneys for Defendants

Dated: 12/4/12

